

### REMARKS

Applicant respectfully requests reconsideration of the application.

The Office Action dated January 21, 2000, rejected claims 2-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,721,788 to Powell et al. ("Powell") in view of U.S. Patent No. 4,977,594 to Shear.

### INTERVIEW SUMMARY

The undersigned attorney for applicant, Joel Meyer, thanks the Examiner for the courtesy of conducting an in-person interview to discuss the Office Action on May 23, 2000. In the interview, attorney for applicant argued that the cited prior art failed to disclose or suggest the pending claims, and agreed to explore ways to clarify claim language. Applicant asks the Examiner to reconsider the rejection and to consider new claim 21

### THE REJECTION

The Office Action rejects the pending claims under 35 U.S.C. § 102(e) for anticipation yet appears to combine the Powell and Shear references. Applicant respectfully submits that these references, whether considered alone or in combination, fail to disclose, teach, or suggest all of the elements of claim 2 and its dependent claims. In particular, the cited references fail to disclose, teach or suggest the combination of "obtaining audio or image files from plural different Internet sites;" and "identifying plural of the obtained files having certain digital watermark data embedded therein, and decoding the digital watermark data therefrom." Moreover, the cited references fail to suggest "sending information related to the results of the foregoing monitoring to said determined proprietors; wherein proprietors of audio or image files are alerted to otherwise unknown distribution of their audio or image properties on the Internet."

The cited references also fail to disclose or suggest elements of claims 19 and 20. For example, the cited references, either alone or in combination, fail to disclose or suggest software code or a computer system programmed to receive files downloaded from the Internet, inspect such files for steganographically embedded data, and generate report data as claimed.

In an effort to advance prosecution of the application, applicant has added an additional claim, which is an amended form of claim 2. This amended form of claim 2 recites that the process of obtaining

"audio or image files from plural different Internet sites" is performed automatically from at least one computer. The new claim further recites that the method automatically identifies files having certain digital watermark data embedded therein. The cited references fail to suggest such a method for automatically obtaining and screening files from the Internet for embedded data as claimed.

### CONCLUDING REMARKS

The cited references, either alone or in combination, fail to disclose, teach or suggest all of the elements of the pending claims as explained above. In addition, the depending claims include additional limitations to further distinguish them from the cited references. Applicant respectfully submits that the claims are in condition for allowance.

Respectfully submitted,

DIGIMARC CORPORATION

Date: June 14, 2000

Digimarc Corporation  
19801 SW 72nd Avenue, Suite 250  
Tualatin, OR 97062  
Phone: 503-885-8699

By



Joel R. Meyer

Registration No. 37,677